

## **AFTER ACTION AGENDA**

### **REGULAR CITY COMMISSION MEETING MONDAY, May 20, 2013 6:30 P.M.**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**

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### **AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL - CITY CLERK**
- 3. INVOCATION AND PLEDGE TO THE FLAG:**
  - A. Invocation Presented by Commissioner Lowry – Benjamin Stilwell-Hernandez, Lead Pastor Pine Ridge Fellowship, 935 Howland Blvd., Deltona, FL.**
- 4. APPROVAL OF MINUTES & AGENDA:**
  - A. Approval of Minutes - Regular City Commission Meeting of May 6, 2013.**

After discussion, the Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of May 6, 2013 as presented.
  - B. Additions or Deletions to Agenda.**
- 5. PRESENTATIONS/AWARDS/REPORTS:**
  - A. Proclamation - 2013 National Public Works Week - May 19 - 25, 2013.**
- 6. PUBLIC FORUM – Citizen comments for items not on the agenda.  
(4 minute maximum length)**

**CONSENT** All items marked with an \* will be considered by one motion unless removed  
**AGENDA:** from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

## **7. CONSENT AGENDA:**

### **\*A. Request for approval to award Bid #PW13-05, Normandy Boulevard (Section B) Roadway Improvements and Utility Relocates.**

*Public Works solicited bids for the Normandy Blvd. (Section B) project. This project includes roadway improvements and utility relocates for the section of Normandy Blvd. between Marysville Drive and Quincy Avenue. This project is part of the City's overall road widening plan and would help alleviate traffic congestion due to the City's growth over the years. The project is a major road improvement project and involves the following:*

- *Reconstruction of 0.60 miles of 2 lane rural section roadway on Normandy Blvd. to a 3 lane urban section with bike lanes.*
- *Construct 2 drainage retention ponds.*
- *Construct 2,912' of 18" to 30" storm drainage pipe and 35 storm drainage structures.*
- *Construct 2,000 linear feet of 8" PVC gravity sanitary sewer main, 262 linear feet of 10" PVC gravity sanitary sewer main, 13 sanitary sewer manholes, 52 laterals and 3 tie-ins to existing mains or manholes.*
- *Construct 3,555 linear feet of 16" PVC/DIP water main, 120 linear feet of 12" PVC/DIP water main, 30 linear feet of 8" PVC/DIP water main, 1,025 linear feet of 6" PVC/DIP water main and 80 linear feet of 4" PVC/DIP water main, 338 services, 10 tie-ins to existing mains, and various valves, fittings, fire hydrants and appurtenances.*
- *Demolition, clearing and grubbing of existing concrete, asphalt and vegetation and restoration of concrete, asphalt and sodding along water main routes outside the limits of the roadway reconstruction.*
- *Grouting and abandonment or removal of existing water main.*
- *Striping, signage, pavement markings, temporary traffic control devices and signalization.*

*The project is in the 2012/2013 CIP budget and is being funded with both Transportation funds and Utility funds. The project will be completed in the 2013-2014 fiscal year.*

*The bid was solicited on Demandstar and was sent to 1,282 contractors. There were 70 planholders for this bid with the following 6 bids being*

*received:*

- 1. Built-Rite Construction: \$1,729,805.42*
- 2. Masci Corporation: \$1,905,599.27*
- 3. P & S Paving: \$1,921,779.08*
- 4. Westwind Contracting: \$1,966,254.31*
- 5. Breen Construction Services: \$2,371,933.39*
- 6. Gibbs and Register: \$2,439,969.00*

*The low bidder, Built-Rite Construction, was noted as having a Certified Underground Utility and Excavation License. However, they did not possess the required General Contractors License to enter into a contract with the City as the Prime Contractor for this project. Attempts were made to allow Built-Rite Construction to provide the license required, but they were unable to do so. Therefore, their bid was rejected.*

*The next lowest bidder, Masci Corporation, has the required General Contractors license for this project which was verified through the Department of Business and Professional Regulation. Masci Corporation is located within Volusia County and has performed multiple tasks for the City of Deltona as a Prime Contractor, specifically with their work on the SR415 Utility project and the 11th Avenue roadway project.*

**Approved by Consent Agenda - to approve award of Bid #PW 13-05 for the Normandy Blvd. (Section B) Roadway Improvements and Utility Relocates to Masci Corporation at a total cost of \$1,905,599.27.**

- B. Request for approval of Local Agency Program Agreement and Resolution No. 2013-12, declaring the official intent of the City to enter into agreement with the Department of Transportation for the Department's participation in the construction of the Acadian Drive sidewalk pursuant to FPN: 430235-1-58-01.**

*The Public Works Department is working with the Florida Department of Transportation for a sidewalk project that is being funded by grant money. The initial process to secure the grant funds has been completed. This portion of the project will cover the construction of a 5-foot wide sidewalk along Acadian Drive from the northeastern section of Elkcam Blvd. to the northeastern section of Providence Blvd. There are no matching funds required. Grant monies have been approved for this project in the amount of \$51,265.00. Construction costs are not expected to exceed this amount.*

**After discussion, the Commission voted unanimously to approve Local Agency Program Agreement and Resolution No. 2013-12.**

**\*C. Request for approval of change order for the Watermain Phase 3 B project.**

*At present, there is only one 8" water main that provides service to the homes in this area and the Stone Island community. This existing water main is in excess of 25 years old. If the existing water main should break, several hundred residences would be without water service and fire protection for potentially an extended period of time. At various times, the City has also received water quality complaints from customers in this area.*

*Deltona Water has evaluated this matter with its' engineers and determined that a second water main on Garfield Road would resolve these issues. In addition, it would provide the area residents and Stone Island customers with service and fire protection, in the event that the older main should break. Therefore, it is proposed that this additional work be added onto the current Water Main Phase 3B project with Hazen Construction and a change order be approved for the additional services.*

*On January 7, 2013, the City Commission approved the Water Main Phase 3B Improvements project. This project is a utility project that is currently being completed and construction finalized. The project contract price was \$468,600.00. The additional work proposed for the Garfield Road location would be based on the previous bid awarded to Hazen Construction and the unit pricing contained in that contract. By utilizing Hazen Construction, the urgency in this matter would be addressed and would eliminate any additional cost for mobilization due to the close proximity of the current construction.*

**Approved by Consent Agenda - to approve change order for \$145,750.00 to Hazen Construction, Inc. for the Watermain Phase 3B project.**

**8. ORDINANCES AND -PUBLIC HEARINGS:**

**A. Public Hearing - Ordinance No. 04-2013, amending Chapter 86, Concurrency Management, of the City's Code of Ordinances, at second and final reading.**

*Changes to growth management law within Section 163.3180, Florida Statutes, under House Bill 7207, have eliminated many concurrency requirements. The public facilities and services subject to concurrency requirements on a State-wide basis are for sanitary sewer, solid waste, drainage, and potable water. Parks and recreation, schools, and transportation facilities are no longer applicable to the State's concurrency requirement. However, any local government may extend the concurrency requirements to include additional public facilities within a*

*jurisdiction. The purpose of this ordinance is to reflect how the City of Deltona manages concurrency and to update the existing City concurrency management system to be consistent with the changes to State growth management law. Finally, the City Commission approved the ordinance at first reading on May 6, 2013.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 04-2013, at second and final reading, that amends Chapter 86, Concurrency Management, of the City's Code of Ordinances, to reflect how the City manages concurrency and to be consistent with changes to Section 163.3180, Florida Statutes.**

- B. Public Hearing – Ordinance No. 09-2013, rezoning of a +/- 52 acre site from Volusia County Agriculture (A-1) and Resource Corridor (RC) (Retained from the County when the property was annexed into the City.) to Industrial Planned Unit Development (IPUD). The applicant is the City of Deltona Public Works Department, at second and final reading.**

*The City of Deltona Public Works Department has submitted an administrative application to amend the City's Official Zoning Map by changing the zoning designation on a City-owned parcel totaling ±52 acres from the Volusia County zoning classifications of Prime Agriculture (A-1) and Resource Corridor (RC) to the City's Industrial Planned Unit Development (IPUD). Although the site was annexed into the City, the A-1 and RC zoning categories were retained from the County as holding designations until a specific use was applied for within the City.*

*The IPUD rezoning entitles the property to develop and operate the Eastern Water Reclamation Facility, which has a major two-fold benefit for the City - it creates much needed sanitary sewer capacity for use throughout the City and creates capacity at the existing Fisher Plant that is the City's only other treatment facility and is nearing regulatory capacity. This action makes the City more sustainable for the future, as is needed, provides for economic development to continue, keeps the City within regulatory parameters that it is required to operate within, and provides for more responsible water use on a regional and local level.*

*The IPUD rezoning request is consistent with the Osteen Joint Planning Agreement and the City Osteen Local Plan, which requires that new development be processed as a Planned Unit Development (PUD). The PUD rezoning actions are associated with a development/developer's agreement (DA) and the DA establishes land use controls and development rights for the site (i.e. landscaping buffers, parking, environmental protection, etc. The DA, staff report, and related exhibits provide an in depth analysis of the IPUD rezoning request. Finally, the Final Site Plan for the facility follows this proposed ordinance action and*

*the City Commission approved Ordinance No. 09-2013 at first reading on May 6, 2013.*

After discussion, the Commission voted unanimously to adopt Ordinance No. 09-2013, at second and final reading, to rezone City-owned property, located at 301 11th Avenue, from zoning classifications of Volusia County's Prime Agriculture (A-1) and Resource Corridor (RC) to Deltona's Industrial Planned Unit Development (IPUD).

**C. Public Hearing – CSP/FSP Final Site Plan 13-001 Eastern Water Reclamation Facility.**

*The City of Deltona purchased a ±52-acre site east of SR 415 for the purpose of developing a water reclamation facility. The proposed facility will be the second of its kind in Deltona and will provide the community with much-needed sanitary sewer capacity as an essential public utility.*

*The City has an existing similar facility in the Fisher Plant, located near the Fisher Drive and Providence Boulevard intersection. That facility is nearing maximum use with a 1.5 million gallon per day (MGD) capacity. At the 90% mark for the Fisher Plant, the City will exceed regulatory requirements; thus, there is a need to develop the Eastern Water Reclamation Facility (Facility). The Facility will create up to 4.5 MGD at build-out and also free-up capacity at the Fisher Plant. Bringing the Facility on-line will also allow the City to provide sanitary sewer capacity for commercial/non-residential development, which is an essential form of economic development and long-term municipal sustainability. It is supported by and is consistent with the City's Comprehensive Plan and improves the health, safety, and public welfare of our community.*

*This application for the Conceptual/Final Site Plan (CSP 13-001) coincides and follows the zoning amendment to IPUD for the site and the Development Review Committee (DRC) staff comments were addressed. The Facility was contemplated in the Osteen Local Plan as an essential public utility and is planned in advance. Both the rezoning event and the Final Site Plan complete the process to entitle the site for construction. The proposed development utilizes best management practices (BMP), is located in a secluded location, and respects adjacent land uses. A large wetland system buffers the site to the west and north and the existing mature vegetation remains along the eastern property line. Additional landscaping is provided along the southern property line.*

After discussion, the Commission voted unanimously to approve CSP/FSP 13-001 Final Site Plan for the Eastern Water Reclamation Facility.

**D. Public Hearing – Ordinance No. 10-2013, amendment to the Bella Vista Business Planned Unit Development (BPUD) Development Agreement, at first reading and to schedule second and final reading.**

*In 2008, the City of Deltona adopted Ordinance No. 11-2008 that approved a Business Planned Unit Development (BPUD) for the subject site. The BPUD includes a Development Agreement that was specific to a development program at that time for a real estate market different from today. The development program includes great detail on outparcels anchored by a large retail center, which may or may not occur today. Unfortunately, the Development Agreement does not include flexibility to adjust to the current real estate market, has a very limited list of permitted and conditional land uses, obligates the City of Deltona to become party to the private internal roadway network and issue transportation impact fee credits, which it cannot do, and has internally inconsistent language.*

*Planning and Zoning Board Staff Report and attachments include a request from the applicant, DeBary Holdings, LLC, to amend the approved BPUD to achieve the following:*

- 1. Include a flexible development program;*
- 2. Expand the list of permitted and conditional uses to allow for a greater range of land uses that can be developed;*
- 3. Removes onerous obligations by the City to become a party to a property owners association (POA) or take possession of internal driveways or common areas;*
- 4. Honors compatibility with adjacent land uses and treats the site as a master development project;*
- 5. Does not alter the parent tract or legal description;*
- 6. Removes the Cross Access Easement exhibit based on the former development program and associated outdated cost estimate. A new easement will be recorded as a separate instrument when established;*
- 7. Keeps the approved Master Development Plan, which will be updated concurrently, as Final Site Plan applications are submitted;*
- 8. Keeps the architectural elevations exhibits for principal buildings as a reference for a typical elevation in keeping with the recommended design standards of the City;*
- 9. Respects recent changes to the City's Code of Ordinances for signage, landscape buffers, etc.; and*
- 10. Continues with obligations from the existing Development Agreement to provide a cross access easement to adjacent property to the east.*

*Based on the above, staff requests that the City Commission adopt Ordinance No. 10-2013 to amend the existing Development Agreement to make for an internally consistent document and allow for a project to be developed that is physically feasible and legally permissible. The proposed Development Agreement is a compilation of numerous drafts as reviewed*



*by City staff and in agreement with the applicant. Finally, the City Commission approved the ordinance at first reading on May 6, 2013.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 10-2013, at second and final reading, to amend the Bella Vista Business Planned Unit Development (BPUD) Development Agreement, as provided.**

**9. OLD BUSINESS:** None.

**10. NEW BUSINESS:**

**A. Consideration of appointment of seven (7) members to the Economic Development Advisory Board.**

*The terms of all seven (7) of the current members of the Deltona Economic Development Advisory Board expire May 31, 2013. All current members, with the exception of Karl Brown, Robert Desmond, and Dustin Oehler have expressed that they wish to be re-appointed to this Board.*

*The City has run press releases, posted the opening on D-TV and the City's web page, the City's web page and on bulletin boards. To date the City has received applications from the following individuals: Tanya Boggs; Rob Field; Damon Kruid; Tracey Sandell; Carlos Valderramma; and George Voll.*

**After discussion, the Commission voted unanimously to confirm the Commission member's appointment(s) of Tanya Boggs, Rob Field, Carlos Valderramma and George Voll and the re-appointment(s) of Joseph Cerrato, Rick Demeter and Roy Braddy for a term to expire May 31, 2014 to the Deltona Economic Development Advisory Board.**

**B. Consideration of appointment of seven (7) members to the William S. Harvey Deltona Scholarship Advisory Board.**

*The terms of all seven (7) members of the William S. Harvey Deltona Scholarship Advisory Board will expire on May 31, 2013. All of the current members with the exception of Dawn Drysdale, Peggy Fisher, and Ron Watral have expressed that they wish to be re-appointed to this Board.*

*The City has run press releases, posted the openings on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: Lori Burbank, Tom Burbank, Steve Lightbody, Harry Meeks, and Cristina Raimundo.*



After discussion, the Commission voted unanimously to confirm the Commission member's appointment(s) of Lori Burbank, Steve Lightbody and Harry Meeks and the re-appointment(s) of Christopher Alcantara, Walter Dawson and Vernon Moore for a term to expire May 31, 2014 to the William S. Harvey Deltona Scholarship Advisory Board.

**C. Request for approval to award of RFQ#13011 Underwriting Services.**

*The City is in the process of refinancing their outstanding Utility System Revenue Bonds, Series 2003 issue currently outstanding in the principal amount of \$71,880,000. As part of this process the City has solicited qualifications from investment banking firms to serve as Underwriter(s) to the City for the City's proposed Utility System Refunding Revenue Bonds, Series 2013 (the Series 2013 Bonds). The Underwriter(s) will be responsible for the sale of the bonds to investors.*

*The City, on March 5, 2013, released a Request for Qualifications with a due date of March 26, 2013. The City received 11 proposals from qualified firms.*

*A Selection Committee was established and included the following members:*

*Becky Vose, City Attorney*

*Robert Clinger, Finance Director*

*Glenn Whitcomb, Public Works/Utilities Director*

*Julia Johnson, Chief Utility Account*

*Also assisting the Committee was Mark Galvin from First Southwest Company, the City's Financial Advisor.*

*The Committee independently reviewed the qualifications packets and then met to discuss their recommendations. The Committee was able to come to a consensus to short list and interview six of the firms in order to be able to choose one Senior Underwriting Manager firm and three Co-Manager firms. Interviews were held on May 6, 2013.*

*The Committee met immediately after all six interviews and they were able to come to a consensus to select Raymond James as the Senior Underwriting Manager and JP Morgan, RBC Capital and Bank of America as Co-Managers.*

After discussion, the Commission voted unanimously to make award and enter into agreements with Raymond James as Senior Underwriting Manager and JP Morgan, RBC Capital and Bank of America as Co-Managers.

**11. CITY COMMISSION COMMENTS:**

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.